

Introduced by Senator Florez

January 4, 2010

An act to add Section 1201.3 to the Penal Code, relating to court orders.

LEGISLATIVE COUNSEL'S DIGEST

SB 834, as introduced, Florez. Court orders: minor victims: prohibitions on communications.

Existing law authorizes various postconviction orders by the court.

This bill would authorize the court, upon the conviction of a defendant for an offense involving a minor victim, to issue orders prohibiting the defendant or any person acting on behalf of, or at the request of, the defendant from having any communications with the victim or the victim's family members, spouse, coworkers, or any other person designated by the court who has a social relationship with the victim. The bill would also authorize exceptions to those orders following a noticed hearing, as specified.

Violation of these orders would be punishable as civil contempt.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1201.3 is added to the Penal Code, to
- 2 read:
- 3 1201.3. (a) Upon the conviction of a defendant for an offense
- 4 involving a minor victim, the court is authorized to issue orders
- 5 that would do either or both of the following:

1 (1) Prohibit the defendant from having any communications
2 with the victim or the victim's family members, spouse, coworkers,
3 or any other person designated by the court who has a social
4 relationship with the victim.

5 (2) Prohibit any person acting on behalf of, or at the request of,
6 the defendant from having any communications with the victim
7 or the victim's family members, spouse, coworkers, or any other
8 person designated by the court who has a social relationship with
9 the victim.

10 (b) The court may authorize any person subject to an order
11 issued pursuant to subdivision (a) to contact or communicate with
12 the victim or victim's family members, spouse, coworkers, or any
13 other person designated by the court who has a social relationship
14 with the victim if there is a noticed hearing as follows:

15 (1) Notice of the hearing is served not less than three days prior
16 to the hearing on the victim, on all persons whom the victim has
17 designated for receipt of notice, and on the prosecuting attorney.

18 (2) Good cause for authorizing the contact or communication
19 is shown at the hearing.

20 (c) A violation of an order issued pursuant to subdivision (a) is
21 punishable as provided in Section 1209 of the Code of Civil
22 Procedure.